

05 -R- 0836

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF ALL CLAIMS IN THE
CASE OF MICHAEL WILLIS V. CITY OF
ATLANTA, FULTON COUNTY SUPERIOR
COURT, CIVIL ACTION FILE NO. E-65437,
IN THE AMOUNT OF \$90,861.00;
AUTHORIZING THE CHIEF FINANCIAL
OFFICER TO DISTRIBUTE THE
SETTLEMENT AMOUNT FROM FUND
ACCOUNT AND CENTER NUMBER 1A01-
(GENERAL FUND)-529013 (PROPERTY
LIQUIDATION)-T31001 (NON-
DEPARTMENTAL); AND FOR OTHER
PURPOSES.**


WHEREAS, Michael Willis v. City of Atlanta is a case in which the Plaintiff, Michael Willis, alleges a claim for back pay and damages; and

WHEREAS, Plaintiff is an employee of the City of Atlanta Motor Transport Services; and

WHEREAS, Plaintiff alleges that he functioned as an Automotive Technician Chief, a higher classified position, from March 1992 until September 2004, and is thus entitled to back pay; and

WHEREAS, Plaintiff's original complaint alleged claims of negligence, breach of contract and backpay. The Court granted the City partial summary judgment on Plaintiff's negligence claim and held that Plaintiff's demands for payment of wages from March 11, 1992 through December 28, 1995 are barred by the statute of limitations; and

WHEREAS, Plaintiff subsequently amended his complaint by



adding a fraud claim as well as a breach of contract claim asserting that the City breached its contract with him by implementing a reduction in force ("RIF") without complying with City Code Section 114-379; and

WHEREAS, the Court granted the City summary judgment on Plaintiff's fraud and breach of contract claims asserted in his amended complaint; and

WHEREAS, the City filed a renewed summary judgment motion alleging that Plaintiff's remaining claim for backpay was barred by the applicable statute of limitations. The Court granted the City's renewed motion, and Plaintiff appealed to the Georgia Court of Appeals; and

WHEREAS, the Georgia Court of Appeals reversed the Court's grant of summary judgment to the City and remanded the case for trial, determining that Plaintiff's backpay claim was not barred by the statute of limitations and concluding that there were issues of disputed material facts for trial; and

WHEREAS, the City Attorney determined that a widely disputed issue for trial is whether the Automotive Technician positions within Motor Transport Services were clearly distinguishable on the basis of duties and responsibilities; and

WHEREAS, the Plaintiff has agreed to \$90,861.00 as full and final settlement of all claims against the City of Atlanta, inclusive of attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claim is in excess of the settlement amount; and

WHEREAS, the settlement of the case of Michael Willis v. City of Atlanta shall not be deemed to be an admission of liability or wrongdoing on the part of the City or any current or former employee or agent of the City; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$90,861.00 to settle all claims against the City.



NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Michael Willis v. City of Atlanta in the amount of Ninety Thousand Eight Hundred Sixty-One Dollars (\$90,861.00).

SECTION 2. That the Chief Financial Officer is authorized to pay to Attorney Gina S. Mangham, on behalf of Michael Willis, the sum of \$90,861.00, and to charge such sum to Account No. 1A01 (General Fund)-529013 (Property Liquidation)-T31001 (Non-Departmental).

A true copy

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

May 16, 2005
May 23, 2005

RCS# 6676
5/16/05
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-15

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		05-16-05 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 05-O-0655 2. 05-O-0656 3. 05-O-0657 4. 05-O-0658 5. 05-O-0659 6. 05-O-0762 7. 05-O-0778 8. 05-O-0781 9. 05-O-0871 10. 05-O-0874 11. 05-O-0669 12. 05-O-0684 13. 05-O-0685 14. 05-O-0850 15. 05-O-0702 16. 05-O-0703 17. 05-O-0704 18. 05-O-0845 19. 05-R-0822 20. 05-R-0823 21. 05-R-0824 22. 05-R-0827 23. 05-R-0828 24. 05-R-0834 25. 05-R-0881 26. 05-R-0821 27. 05-R-0872 28. 05-R-0830 29. 05-R-0875 30. 05-R-0838	31. 05-R-0839 32. 05-R-0677 33. 05-R-0832 34. 05-R-0833 35. 05-R-0836 36. 05-R-0837 37. 05-R-0878 38. 05-R-0818 39. 05-R-0820 40. 05-R-0826 41. 05-R-0835 42. 05-R-0785 43. 05-R-0786 44. 05-R-0787 45. 05-R-0788 46. 05-R-0789 47. 05-R-0790 48. 05-R-0791 49. 05-R-0792	50. 04-R-1789 51. 05-R-0793 52. 05-R-0795 53. 05-R-0799 54. 05-R-0800 55. 05-R-0801 56. 05-R-0802 57. 05-R-0805 58. 05-R-0806 59. 05-R-0807 60. 05-R-0810 61. 05-R-0812 62. 05-R-0814

(Do Not Write Above This Line)
05 - K - 0836

**A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF MICHAEL WILLIS V. CITY OF ATLANTA, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. E-65437, IN THE AMOUNT OF \$90,861.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT AND CENTER NUMBER 1A01- (GENERAL FUND) -529013 (PROPERTY LIQUIDATION)-731001 (NON-DEPARTMENTAL); AND FOR OTHER PURPOSES.

APPROVED BY:  **ADOPTED BY**

Jerry Deloach, Deputy City Attorney **MAY 16 2005**

☐ CONSENT REFER **COUNCIL**

☐ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSLA Committee

Date 5/10/05

Chair Michael Willis

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Michael Willis
Deputy City Attorney

Deputy City Attorney
Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

MAY 16 2005

MAYOR'S ACTION

